IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL.MISC.NO.53398-M OF 2006

DATE OF DECISION: SEPTEMBER 28, 2006

Subh Ram

....PETITIONER

VERSUS

State of Haryana

...RESPONDENT

CORAM : HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.H.S.Gill,Sr. Advocate,
with Mr.Vivek Goyal, Advocate,
for the petitioner.
Mr.Partap Singh, Sr.DAG, Haryana.

...

Petitioner Subh Ram has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.50 dated 7.5.2006 registered under Sections 304-B/201/302/498-A IPC at Police Station Nangal Chaudhary, District Narnaul.

I have heard the counsel for the parties and gone through the contents of the FIR as well as the order dated 2.9.2006 passed by the Sessions Judge, Narnaul.

The aforesaid FIR was initially registered under Sections 304-B/201 IPC on the complaint made by Om Parkash, father of deceased Anita in which five persons, namely, Anup, his wife Hawa Kaur, Ashok, Manoj brother of Anup and Geeta wife of Manoj, were named as accused. The petitioner, who is remotely related to the husband of the deceased, was not named in the FIR. During the investigation, he was implicated only on the allegation that at his asking the dead body of Anita was promptly cremated. The petitioner was arrested on 19.5.2006. Later on, he was granted regular bail by the Additional Sessions Judge, Narnaul vide order dated 17.7.2006. On the next date, i.e., 18.7.2006, the charge was framed against the accused under Section 302 IPC. Thereupon, the petitioner was taken into custody because he was not granted bail under Section 302 IPC.

Learned counsel for the petitioner contends that as far as the petitioner is concerned, there is no evidence regarding involvement of the petitioner in the alleged crime. The only allegation against him is that at his asking the dead body of Anita was promptly cremated. The said offence falls under Section 201 IPC in which the petitioner had already been granted bail. Therefore, the petitioner is entitled for regular bail. The factual position has not been disputed by the State counsel.

In view of the above, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is accordingly ordered to be released on bail to the satisfaction of the trial Court.

September 28, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE